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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

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6 DAVID LAVERS,

Case No. 3:20-cv-00699-MMD-CLB

7 Plaintiff,

ORDER

8 v.

9 STATE OF NEVADA, *et al.*,

10 Defendants.

11 *Pro se* Plaintiff David Lavers brings this civil rights action under 42 U.S.C. § 1983.  
12 Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of  
13 United States Magistrate Judge Carla L. Baldwin (ECF No. 4), recommending that  
14 Plaintiff’s applications to proceed *in forma pauperis* (ECF No. 1) be granted, and Plaintiff’s  
15 complaint (ECF No. 1-1) be dismissed with prejudice. Plaintiff had until February 2, 2021  
16 to file an objection. To date, no objection to the R&R has been filed. For this reason, and  
17 as explained below, the Court adopts the R&R, and will grant Plaintiff’s *in forma pauperis*  
18 application and dismisses Plaintiff’s complaint with prejudice.

19 The Court “may accept, reject, or modify, in whole or in part, the findings or  
20 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party  
21 fails to object to a magistrate judge’s recommendation, the Court is not required to  
22 conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas*  
23 *v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114,  
24 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and  
25 recommendations is required if, but *only* if, one or both parties file objections to the  
26 findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory  
27 Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no  
28 clear error on the face of the record in order to accept the recommendation.”).

1 Because there is no objection, the Court need not conduct *de novo* review, and is  
2 satisfied Judge Baldwin did not clearly err. Here, Judge Baldwin recommends Plaintiff's  
3 complaint be dismissed as it appears that Plaintiff's criminal case in state court has not  
4 reached final adjudication, Eleventh Amendment sovereign immunity bars Plaintiff's  
5 claims against the State of Nevada, and judges and prosecutors are immune from suits  
6 under § 1983. (ECF No. 4 at 5-7.) The Court agrees with Judge Baldwin. Having reviewed  
7 the R&R and the record in this case, the Court will adopt the R&R in full.

8 It is therefore ordered that Judge Baldwin's Report and Recommendation (ECF  
9 No. 4) is accepted and adopted in full.


10 It is further ordered that Plaintiff's application to proceed *in forma pauperis* (ECF  
11 No. 1) is granted.

12 The Clerk of Court is directed to file Plaintiff's complaint (ECF No. 1-1).

13 It is further ordered that Plaintiff's complaint (ECF No. 1-1) is dismissed with  
14 prejudice.

15 The Clerk of Court is directed to enter judgment accordingly and to close this case.

16 DATED THIS 11<sup>th</sup> Day of February 2021.

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21 MIRANDA M. DU  
22 CHIEF UNITED STATES DISTRICT JUDGE  
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